

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: MANDLER1

In re Application of:)	Conf. No.: 9743
)	
Benjamin MANDLER et al)	Art Unit: 2165
)	
Appln. No.: 09/929,260)	Examiner: S.G. Rimell
)	
Filed: August 15, 2001)	Washington, D.C.
)	
For: USE OF SPECIAL DIRECTORIES)	June 26, 2006
FOR ENCODING SEMANTIC)	
INFORMATION IN A FILE SYSTEM))	

SUPPLEMENT TO APPEAL BRIEF

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop Appeal Brief - Patent
401 Dulany Street
Alexandria, VA 22314

Sir:

On May 26, 2006, the examiner issued a notification of non-compliant appeal brief, stating that the summary of the invention should provide a detailed description associated with claim 79. The examiner states that, while it is understood that claims 67 and 79 are similar in substance, 37 C.F.R. §41.37 nonetheless requires that each independent claim be provided with a concise explanation in the summary of the claimed subject matter.

This notification should not have been issued because the present brief is in full compliance with 37 C.F.R. §41.37(c)(1)(v). A concise summary of claim 67 clearly appears, and in the first paragraph, second sentence, there is a concise summary of claim 79, stating that it is substantially the same as claim 67 but adding a certain

limitation and specifying where in the specification that limitation is disclosed. This requirement is an unfortunate waste of the time and resources of applicants and the Patent and Trademark Office.

Nevertheless, in order to be compliant, attached hereto is new "Summary of Claimed Subject Matter" section that merely rearranges the information that was already present in the brief as originally filed. It is noted that MPEP §1205.03 states that, when the Office holds the brief to be defective solely due to applicant's failure to provide a summary of the claimed subject matter as is required by 37 C.F.R.

§41.37(c)(1)(v), an entire new brief need not, and should not, be filed. Rather, a paper providing a summary of the claimed subject matter as required by 37 C.F.R. §41.37(c)(1)(v) will suffice. It is hoped that the examiner will consider that this format is now acceptable.

Respectfully submitted,

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SUMMARY OF CLAIMED SUBJECT MATTER

Appellants' invention, as recited in independent claims 67 and 79, provides computer-implemented information retrieval systems for returning a semantically-dependent directory structure of files to a user.

The system recited in claim 67 comprises the following elements, which are shown in Fig. 1 of the present patent application:

(a) A file system engine (24), which receives a file request via a file system API (16). The file request specifies file content. Examples of this sort of request are shown in paragraphs 0112-0114.

(b) A parser (26), which retrieves structural information of documents and at least one of elements, attributes and attribute values from the documents (paragraph 0116, lines 12-18).

(c) An indexer (20), which constructs an inverted index of the elements, attributes and values (paragraph 0116, lines 18-22, and see also Fig. 2).

The file system engine retrieves posting from the inverted index that satisfy requirements of the file request and returns a hierarchical tree of directories to the user (paragraph 0115). The file system engine returns a special virtual directory in each of these directories (paragraph

0120). The special virtual directory comprises at least one level of the hierarchical tree that is more deeply nested than the level of the special virtual directory in the tree (see, for example, paragraphs 0121-0124).

The system recited in claim 79 comprises the following elements, which are shown in Fig. 1 of the present patent application:

(a) A file system engine (24), which receives a file request via a file system API (16). The file request specifies file content. Examples of this sort of request are shown in paragraphs 0112-0114.

(b) A parser (26), which retrieves structural information of documents and at least one of elements, attributes and attribute values from the documents (paragraph 0116, lines 12-18).

(c) An indexer (20), which constructs an inverted index of the elements, attributes and values (paragraph 0116, lines 18-22, and see also Fig. 2).

The file system engine retrieves posting from the inverted index that satisfy requirements of the file request and returns a hierarchical tree of directories to the user (paragraph 0115). The file system engine returns a special virtual directory in each of these directories (paragraph 0120). The special virtual directory comprises at least one

level of the hierarchical tree that is more deeply nested than the level of the special virtual directory in the tree (see, for example, paragraphs 0121-0124). The directory structure and certain elements of the system are specific to XML files and XML documents, as is disclosed, for example, in paragraphs 0008-0009 of the present patent application.

The remaining claims each depend from one of the above-mentioned independent claims.